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November 20, 2017

**VIA ECF**

Hon. A. Kathleen Tomlinson  
United States Magistrate Judge  
United States District Court  
Eastern District of New York  
Long Island Courthouse  
100 Federal Plaza  
Central Islip, NY 11722

Re: Reyes v. Sears Holdings Corporation et al.  
No. 17-cv-04719 (JMA)

Dear Judge Tomlinson:

As counsel for Defendant XPO Last Mile, Inc. ("XPO LM"), we write with consent of counsel for the plaintiff pursuant to Your Honor's Individual Practice Rule III(A)(1), to respectfully request the dismissal of Defendant XPO Logistics, Inc. from this action without prejudice, and the substitution of XPO Last Mile, Inc. as a Defendant in place of XPO Logistics, Inc. XPO LM acknowledges actual notice of this lawsuit and subjects itself to the jurisdiction of this Court in this action. Accordingly, XPO LM respectfully requests that Your Honor grant the Joint Stipulation for the Substitution of Parties, attached hereto.

We appreciate the Court's consideration of this request.

Respectfully yours,

JACKSON LEWIS P.C.

Noel P. Tripp

NPT:dc

cc: All Counsel of Record, *via ECF*  
Enclosure

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

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VICTOR REYES, on behalf of himself and  
all other similarly situated persons,

Plaintiffs,

v.

SEARS HOLDINGS CORPORATION,  
SEARS, ROEBUCK & COMPANY and  
XPO LOGISTICS, INC., successor-in-  
interest to 3PD, INC.,

Defendants.

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CIVIL ACTION

Civil No. 2:17-cv-04719

**JOINT STIPULATION FOR THE  
SUBSTITUTION OF PARTIES**

Plaintiff Victor Reyes ("Plaintiff") and Defendant XPO Logistics, Inc. ("Defendant")  
(collectively, the "Parties"), by and through their undersigned counsel, stipulate as follows:

WHEREAS, on or September 25, 2017, Plaintiff filed his Class Action Complaint in the  
United States District Court for the Eastern District of New York;

WHEREAS, the Parties acknowledge, based on XPO Last Mile, Inc.'s representations,  
that XPO Last Mile, Inc., not XPO Logistics, Inc., is the proper defendant in this action;

WHEREAS, the Parties stipulate and agree that XPO Last Mile, Inc. should be  
substituted as a party in this action in place of XPO Logistics, Inc.; and

WHEREAS, XPO Last Mile, Inc. hereby acknowledges actual notice of this suit and  
subjects itself to the jurisdiction of this court in this action.

Stipulated and Agreed to By:

**VICTOR REYES**

By: /s/ Ravi Sattiraju with consent  
Ravi Sattiraju  
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*Counsel for the plaintiff*

\* *pro hac vice* admission anticipated

Date: November 20, 2017

**XPO LAST MILE, INC.**

By: /s/ Noel P. Tripp  
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*Counsel for XPO Last Mile, Inc.*

Date: November 20, 2017

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

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VICTOR REYES, on behalf of himself and  
all other similarly situated persons,

Plaintiffs,

v.

SEARS HOLDINGS CORPORATION,  
SEARS, ROEBUCK & COMPANY and  
XPO LOGISTICS, INC., successor-in-  
interest to 3PD, INC.,

Defendants.

---

CIVIL ACTION

Civil No. 2:17-cv-04719

**ORDER GRANTING JOINT  
STIPULATION FOR THE  
SUBSTITUTION OF PARTIES**

This matter having come before the Court on the parties' stipulation, and the Court being  
duly advised on the premises,

IT IS HEREBY ORDERED that the Defendant XPO Logistics, Inc. shall be dismissed  
from this action without prejudice; and

IT IS FURTHER ORDERED that XPO Last Mile, Inc. shall be substituted as a Defendant  
in place of XPO Logistics, Inc. and subjects itself to the jurisdiction of this Court in this action.

IT IS SO ORDERED.

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DATE

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UNITED STATES MAGISTRATE JUDGE